

1 Ian J. Kellogg
2 James P. McDonald
3 Jacqueline M. Moessner
4 Admitted pursuant to LR IA 11-3
5 Securities and Exchange Commission
6 1961 Stout Street, Suite 1700
7 Denver, Colorado 80294
8 (303) 844-1000
9 kelloggi@sec.gov
10 mcdonaldja@sec.gov
11 moessnerj@sec.gov

12 *Counsel for Plaintiff Securities and Exchange Commission*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 UNITED STATES SECURITIES AND
16 EXCHANGE COMMISSION,

17 Plaintiff,

18 v.

19 ALPINE SECURITIES CORPORATION,
20 CHRISTOPHER DOUBEK, and
21 JOSEPH WALSH,

22 Defendants.

Case No. 2:22-cv-01279-RFB-MDC

**DECLARATION OF JAMES P.
MCDONALD IN SUPPORT OF
PLAINTIFF'S COUNTER-STATEMENT OF
MATERIAL FACTS AND OPPOSITION TO
DEFENDANTS' MOTION FOR PARTIAL
SUMMARY JUDGMENT**

1 I, James P. McDonald, declare pursuant to 28 U.S.C. § 1746, as follows:

2 1. I am trial counsel with Plaintiff United States Securities and Exchange Commission
3 (“SEC”), in its Denver, Colorado office. I am making this declaration in support of the SEC’s
4 Counter-Statement of Material Facts and Opposition to Defendants’ Motion for Partial Summary
5 Judgment (the “SEC Response”). I have personal knowledge of the matters set forth herein, except
6 as otherwise noted, and if called as a witness, I could and would competently testify under oath to
7 the facts stated herein. The purpose of this Declaration is to provide true and correct copies of
8 documents and deposition transcripts cited in the SEC Response. All of these materials are being
9 filed along with my Declaration via ECF in accordance with this Court’s local rules. The Exhibit
10 numbering used herein continues from the numbering used by the SEC in its Motion for Summary
11 Judgment (Dkt. No. 81) and referred to in the Declaration and Attachments in Support (Dkt. Nos.
12 82, 82-1 to 82-43).

13 2. **Exhibit 44** to this Declaration is a true and correct copy of the errata sheet and form
14 signed by Miriam Lefkowitz that identified transcription errors in a draft transcript of her August
15 21, 2024 deposition in this matter.

16 3. **Exhibit 45** to this Declaration is a true and correct copy of excerpts of the
17 Deposition Transcript of D. Michael Cruz in this matter.

18 4. I have included at the end of this Declaration a list of the documents attached to this
19 Declaration in an index format, per this Court’s local rules.

20 I swear the foregoing is true and correct to the best of my knowledge and belief.

21 Dated: November 8, 2024

22 Executed in Denver, Colorado.

23
24
25 *s/ James P. McDonald*

26 _____
James. P. McDonald
27
28

INDEX OF ADDITIONAL EXHIBITS

Decl. Exhibit #	Depo Ex. # (if any)	Description of Exhibit
44		Errata Sheet for Deposition of Miriam Lefkowitz
45		Excerpt of Deposition of D. Michael Cruz

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed with the Court on November 8, 2024, through the CM/ECF system, which will electronically notify all counsel of record and *pro se* parties authorized to receive electronic notifications.

/s/ James P. McDonald
Securities and Exchange Commission